

in resigning themselves to a future of growing debts and deficits at a time when Americans are demanding cuts instead.

So here is what we have learned this week: on the most pressing issue of the day, the President and Democratic leaders in Congress have decided to take a pass. They are either unwilling to admit that Washington needs to live within its means or they are completely unwilling to make the tough choices that will get us there.

It is hard to believe, really.

Americans are screaming at us to do something about a \$14 trillion debt, the President proposes a budget that nearly doubles it, and Democrats clap their hands in approval.

Maybe Democrats were so focused on passing their health care bill last year they didn't notice what has been going on in Europe.

Maybe they were so focused on defending their stimulus that they missed a national uprising right here at home about the spending and the debt they have racked up.

Maybe they missed the fact that while they were busy adding \$3 trillion to the debt, nearly 3 million Americans lost their jobs.

Maybe they have been so focused on passing their agenda that they didn't notice the fact that the American people just repudiated their entire agenda.

They need to get real.

The men and women who were sent to Washington this year were not sent here on a mission to keep spending at the levels this administration has set. They were sent here to change the culture, to convince the administration that it needs to change its ways.

Democrats in Washington seem to think they can wait it out; that if they just agree to freeze current spending levels in place people will think they are listening. Don't they realize that current levels of spending are the reason we just had the biggest wave election in a generation?

The senior Senator from New York seems to think that anything short of freezing current spending levels is extreme.

I will tell you what is extreme: extreme is to insist in the middle of a jobs and debt crisis that government has to spend a trillion dollars more than we take in every year.

That is extreme.

Extreme is a view of the world that says government will not live within its means, even when the American people demand it.

Extreme is a view of the world that says the survival of this or that program is more important than the survival of the American dream itself.

Extreme is telling our children they may have to do without because we refuse to do with less.

So I suggest to my Democratic colleagues that they stop thinking about what they can get away with and start thinking about what is actually needed to solve this crisis.

I suggest they start listening to the American people who are telling us in no uncertain terms that a freeze will not cut it.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

Mr. MCCONNELL. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Madam President.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 361 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the Chair.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 360 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Madam President, I understand the time for morning business has come and gone, but I ask unanimous consent to speak as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### REGULATORY RESPONSIBILITY FOR OUR ECONOMY ACT OF 2011

Mr. ROBERTS. Madam President, I recently introduced a bill called the

Regulatory Responsibility for Our Economy Act of 2011—it is S. 358—and I would urge my colleagues who would like to, after hearing my remarks, to cosponsor this. I realize the bill is a mouthful—the Regulatory Responsibility for Our Economy Act—but I think it is appropriate.

This bill would strengthen and codify President Obama's Executive order from January 18. In that Executive order, the President made a commitment to review, to modify, to streamline, to expand or repeal—that is a lot of things, to review, modify, streamline, expand, and repeal—those regulatory actions that are duplicative, unnecessary, overly burdensome, or would have significant economic impacts on Americans. So the Regulatory Responsibility for Our Economy Act of 2011 would ensure just that.

My legislation would require that all regulations put forth by the current and future administrations—regardless of the President—consider the economic burden on American businesses, ensure stakeholder input—i.e., the people who are affected—during the regulatory process, and promote innovation. Back on January 18, the President signed an Executive order to do precisely that, we thought. It was for "improving regulation and regulatory review." But the President also released a factsheet on the intent for his regulatory strategy. It was in detail. Per the factsheet, "In this Executive Order, the President requires Federal agencies to design cost-effective, evidence-based regulations that are compatible with economic growth, job creation, and competitiveness." My legislation would ensure that would actually happen.

In addition, the President published an op-ed in the Wall Street Journal detailing the administration's commitment to reviewing regulations. As part of this op-ed, the President stated:

We have preserved freedom of commerce while applying those rules and regulations necessary to protect the public against threats to our health and safety and to safeguard people in business from abuse.

But he also noted that—and this is the key:

Sometimes those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and had a chilling effect on growth and jobs.

I must say I absolutely agree with the President. I was extremely pleased when he came out with the Executive order on January 16. And as I travel across my home State, I have heard Kansan after Kansan, regardless of the business, regardless of where they are on Main Street, who find themselves weighed down by the burden of too many regulations. As a matter of fact, I think if any Member of this Senate would like to get a standing ovation from even a group of five at a coffee shop or at a meeting of any organization that is business-oriented or just folks, you can talk about the debt, you

can talk about spending, you can talk about other issues, but the one that really grabs them is this business of overregulation.

This has been going on for too many years—too many decades. As a matter of fact, you can come into a meeting, and you will probably get the question—even the distinguished President pro tempore, the Senator from New York, would get the question, though probably a little nicer than I would get it, and certainly the other Senator from New York, who is now leaving the Chamber—the question usually comes as: PAT, what on Earth are you doing back there, saddling us with paperwork and regulations that are costly, burdensome, and that we don't even know about? All of a sudden, on a Wednesday morning we wake up and we face this regulatory dictate. It is counterproductive, and the cost outweighs the benefit. What is going on back there? What are you guys doing?

My response: Well, let's stop there for just a minute. I am not a "you guy," I am an "us guy."

Clear back in the days when I was in the House of Representatives and I had the privilege of serving in that body, we were all trying to do something about unnecessary and burdensome regulations. So I have had a long-standing concern with the regulatory process, and that is the one issue that is a tinderbox issue. It is one where you really get an immediate response, with people saying: Amen. Somebody needs to do something about that. And they were so pleased with the President when he came out with the Executive order, saying: Hey, I am going to do something about this.

As of January 3, 2011, less than 6 months after the Dodd-Frank act was signed into law, regulators have issued over 1,000 pages of regulatory proposals and 360 pages of final rules. Talk about asking Senators whether they have read a bill, I know that nobody in the Senate has read over the 1,000 pages of regulatory proposals and 360 pages of final rules on the regulatory reform act. And many more pages of regulations—upwards of 5,000—are expected.

Regulations such as those put forth by the Department of Health and Human Services, along with the Departments of Labor and Treasury, have resulted in the child-only insurance market effectively disappearing in 20 States because of the regulations. The idea was to provide just the opposite but in 20 States today, that is not the case.

The Environmental Protection Agency began implementing its greenhouse gas regulations on stationary sources of energy that emit 75,000 or more tons of CO<sub>2</sub> a year, which, on its surface, aims to only regulate those largest emitters, such as powerplants and oil refineries, but it is only a matter of time—it is only a matter of time—before stricter regulations are handed down that will impact every corner of commerce.

Let me just say that the EPA—knowing, of course, that Congress said no to cap and trade—is trying very hard to go around the Congress to try to put forth these regulations into compliance with the law.

Last year, the Grain Inspection, Packers and Stockyard Administration—and everything has to have an acronym in Washington, but the one for that is called GIPSA—published a proposed rule that would change longstanding rules governing the production and marketing of livestock. This is an agriculture thing. This proposed rule goes far beyond what was intended in the last farm bill. In fact, a number of items in the proposed rule were defeated here on the Senate floor, and yet they were put in the proposed rule.

A number of private economic studies show the loss of gross domestic product is in excess of \$1 billion—much more costly than the \$100 million threshold required for an economic analysis to be completed. Unfortunately, an economic analysis is yet to be completed.

So I was encouraged, Madam President. I was a happy camper there for a little bit by President Obama's commitment to a new regulatory strategy. But the devil is in the details, and with staff help, after reviewing the Executive order, I must say I was left with some larger concerns. I was upset.

The Executive order states:

In applying these principles, each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.

Wonderful. We will have a cost-benefit yardstick applied to all of the regulations pouring out of all the agencies in Washington. The distinguished Speaker of the House said the other day that we had 200,000 more Federal employees in Washington than we did 2 years ago. I can assure you they are not twiddling their thumbs. They are issuing regulations, and they tend to be agenda-oriented, not really getting down to sound science or determining the unanticipated effects of their regulations.

Picking up again on what the President said:

Where appropriate and permitted by law, each agency may consider and discuss qualitatively values that are difficult or impossible to quantify, including equity, human dignity, fairness, and distributive impacts.

The partridge in the pear tree was left out.

Let me read this again.

Where appropriate and permitted by law, each agency—

As they go through the regulations to determine which are counterproductive to this economy, costing billions in regard to manufacturing and businesses and harming our economy where it should not be harmed, they say, OK, but, but, but—

Where appropriate and permitted by law, each agency may consider—

And this is the part where we ought to really take a look at it—

values that are difficult or impossible to quantify—

How are you going to do that? How are you going to quantify values that are difficult or impossible—

including equity—

Everybody is for that—

human dignity—

I don't know anyone who is against that—

fairness, and distributive impacts.

Now, try to figure that out if you are working in a Federal agency and you are trying to issue a regulation. If that isn't a loophole large enough to drive a truck through, I don't know what is.

As the Wall Street Journal captured so eloquently in their response to President Obama's editorial, "These amorphous concepts are not measurable at all." You can't do it. You can't measure them.

On the surface, I think this language has the potential to be a very large loophole. This, coupled with an exception for independent agencies such as the FDIC, the SEC, or the EPA, has the potential to result in no changes at all. So we issue an Executive order saying: Let's take a tough look at the regulations that are so terribly counterproductive, and we may end up with nothing, more especially without the independent agencies. Note I said the FDIC. Note I said the SEC. Read Dodd-Frank, read financial regulatory reform. Read the reach into the small community banks and what they are going to have to put up with and hire a bunch of bad news bears—employees—to figure out and tell the rest of the employees how on Earth they are going to comply with these new regulations.

And my favorite, the EPA, which had the temerity and the unmitigated gall, after this loophole came out, to say: Well, none of our regulations even apply. Our regulations are just fine. I got news for the EPA. The chairwoman of the Agriculture Committee, DEBORAH STABENOW, and I have agreed to hold a hearing on this to determine just exactly where we are, and where we are is not good.

My legislation would close the loophole in President Obama's Executive order and would close other existing loopholes, including those that the administration has been using to bypass valuable stakeholder input on regulations. Again, there is that word—"stakeholder." That is a Senate word. Those are the people who are getting smacked right up alongside the face in regard to the regulations they do not even know adhere to their business or what they are about.

The President has also agreed—and here is the key word or phrase:

Sometimes, those rules have gotten out of balance, placing unreasonable burdens on businesses—burdens that have stifled innovation and have had a chilling effect on growth and jobs.

The President went on to say, "At other times, we have failed to meet our

basic responsibility to protect the public interest leading to disastrous consequences," precisely what I am trying to demonstrate here. My legislation would assure a review of these regulations to assure fewer burdensome and economically irresponsible regulatory actions on struggling businesses in the United States.

President Obama's Executive order "requires the Federal agencies ensure that regulations protect our safety, our health and environment while promoting economic growth." So does my legislation. "And it orders a government-wide review of the rules already on the books to remove outdated regulations that stifle job creation and make our economy less competitive."

That is what the President's Executive order does, and so does my legislation.

The President said, "It's a review that will help bring order to regulations that have become a patchwork of overlapping rules, the result of tinkering by administrations and legislators of both parties and the influence of special interests in Washington over decades."

The President was right. My legislation would do this but would add some teeth to the commitment—sharp teeth—by cutting out the loopholes, the very loophole I read. I am not going to read it again. I defy anybody to tell me what it means or how anybody could use that kind of language in determining the cost-benefit of any regulation.

The President has made it his "mission to root out regulations that conflict,"—and I am quoting here—"that are not worth the cost or are just plain dumb." That is pretty clear, if the President says these regulations are just plain dumb. I said "counter-productive." That is the Senate word. He said "dumb." That is the Dodge City word and I think Dodge City would agree. I think my legislation is something the administration can support. So while the President believes his Executive order "makes clear, we are seeking more affordable, less intrusive means to achieve the same ends—giving careful consideration to benefits and costs," and that it "means writing rules with more input from experts, businesses and ordinary citizens," there were a number of loopholes in the Executive order I am happy to address with the administration in my legislation.

My bill would keep the President accountable for another promise to Americans, and I urge my colleagues to support this legislation, the details of which I am happy to share with my colleagues. I hope we get a great number of colleagues to help us codify the Executive order, put some teeth in it, make it work, and get at regulatory reform as opposed to being disingenuous. I think that is exactly what has happened in regard to this, what turned out to be a very noble effort, but the end result had so many loopholes in it as to be completely ineffective.

I yield any time I may have.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### FAA AIR TRANSPORTATION MODERNIZATION AND SAFETY IMPROVEMENT ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 223, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 223) to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

#### Pending:

Rockefeller (for Wyden) amendment No. 27, to increase the number of test sites in the National Airspace System used for unmanned aerial vehicles and to require one of those test sites to include a significant portion of public lands.

Inhofe modified amendment No. 7, to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Rockefeller (for Ensign) amendment No. 32, to improve provisions relating to certification and flight standards for military remotely piloted aerial systems in the National Airspace System.

McCain amendment No. 4, to repeal the essential air service program.

Rockefeller (for Leahy) amendment No. 50, to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits, and to clarify the liability protection for volunteer pilots that fly for public benefit.

Reid amendment No. 54, to allow airports that receive airport improvement grants for the purchase of land to lease the land and develop the land in a manner compatible with noise buffering purposes.

Udall (NM) modified amendment No. 49, to authorize Dona Ana County, New Mexico, to exchange certain land conveyed to the County for airport purposes.

Udall (NM) modified amendment No. 51, to require that all advanced imaging technology used as a primary screening method for passengers be equipped with automatic target recognition software.

Paul amendment No. 18, to strike the provisions relating to clarifying a memorandum of understanding between the Federal Aviation Administration and the Occupational Safety and Health Administration.

Rockefeller (for Baucus) further modified amendment No. 75, of a perfecting nature.

Hutchison modified amendment No. 93 (to modified amendment No. 7), to provide for an increase in the number of slots available at Ronald Reagan Washington National Airport.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I wish to catch up the membership on the floor and off the floor a little bit about where we are. We are at midweek for a third week of consideration of the FAA reauthorization bill. Last night, Senator REID filed cloture on this bill. In a perfect world we would have finished this bill already without filing cloture, but we need to finish and that is what cloture motions are for. I will support cloture, needless to say.

Senator HUTCHISON also filed cloture on an amendment that will bring conclusion to a debate on slots at National Airport. I will talk about that issue in more detail later. But I am saying right now slots are very important but they do not need to consume all of the arguments and all of the discussion on the floor about this bill. They are a very small part of the bill—an important part of the bill, recognizing the West has to be served much better than it is being—but it is not the entire bill. It is a very small part of the bill.

Last night we disposed of two pending amendments by voice vote. I believe we have made progress to resolve some of the pending amendments, but votes will be required on several of them and I expect we will have those votes today. Senator HUTCHISON and I are trying to clear a number of other filed amendments. There were at one point 100 of them. I hope we can accept a number of them. I have heard from any number of my colleagues on their amendments and I am trying to be helpful in getting them adopted where they contribute to the bill.

I know Senator HUTCHISON is committed to supporting the bill. We need to resolve the issue of slots. She has been working—we have all been working diligently and almost exclusively on that matter, and we will do this with a vote. We will resolve that issue.

After that vote we will vote on cloture, which I believe will pass and I am extremely hopeful we will reach agreement to get this bill done this week. The farthest possible day and most unhappy thought would be if we had to go through the recess and do it on the day we came back. I think it is far better that we get it done this week. There is no excuse for not doing it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we now have, I think, a glidepath to passing this important legislation. We worked late into the night, Senator ROCKEFELLER and I did, to try to accommodate needs, concerns, amendments of Members. Now we have the cloture motion in play and hope we can come to a real agreement on the Reagan Airport perimeter issue so we could even do it before cloture is invoked—but hopefully, if we are not